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April 11, 2001

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VIA HAND DELIVERY

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Magalie Roman Salas
Secretary
Federal Communications Commission
The Portals - TW-A325
445 Twelfth Street, S.W.
Washington, DC 20554

Re: Ex Parte
CC Docket No. 96-98 /
CC Docket No. 98-147

Dear Ms. Salas:

Pursuant to Section 1.1206(b) of the Commission's rules, 47 C.F.R. Section 1.1206(b), this letter provides notice that on April 10, 2001 Julia Strow, Vice President - Regulatory, Cbeyond Communications, and the undersigned met in separate meetings with: (1) Kyle Dixon, Office of the Chairman (via conference call), (2) Samuel Feder, Office of Commissioner Harold Furchgott-Roth, and (3) Sarah Whitesell, Office of Commissioner Gloria Tristani concerning issues in the above-captioned proceedings. We presented the views set forth in the attached document, which was provided at the meetings.

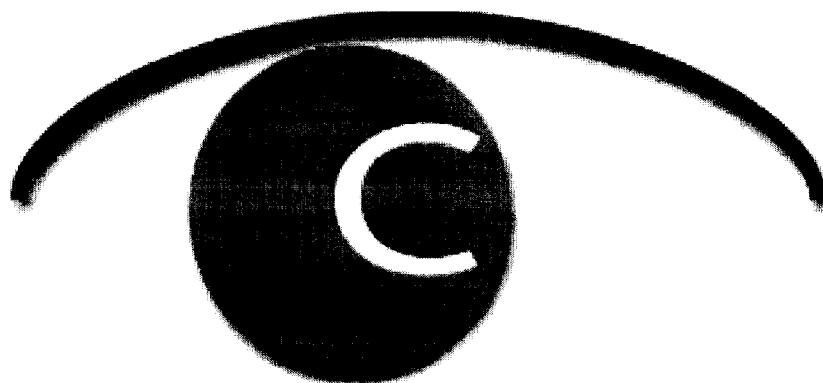
Four copies of this letter are attached.

Sincerely,



Patrick J. Donovan

cc: Kyle Dixon
Samuel Feder
Sarah Whitesell
Paula Silberthau



CBEYOND COMMUNICATIONS

Julia Strow
Vice President - Regulatory

April 10, 2001

CC Docket Nos. 96-98, 98-147



Cbeyond Company Overview

- Cbeyond Communications is a next generation Broadband Applications Service Provider (BASP) headquartered in Atlanta, Georgia
- Cbeyond was founded in November, 1999 and received \$141M in initial funding April, 2000
- Cbeyond provides service over a Cisco powered IP-based network utilizing state of the art technology
- Cbeyond is a facilities-based communications service provider with “smartest” build network deployment strategy utilizing unbundled loops and collocation in addition to a complementary EEL strategy
- Cbeyond’s broadband services are not limited by technology - - services are provisioned via DS1 interface which supports fiber, traditional T-1 and DSL and will support new access technologies as they emerge



Cbeyond's Business Plan

- Initial service offering is a fully integrated suite of voice and Internet-based applications over a single network connection
- Cbeyond is providing service to very small business customers (5 to 25 lines) in Tier 1 markets- - Cbeyond's base package is a five line package
- Cbeyond offers small businesses a competitive choice and provides big business tools to a previously underserved segment of the market
- Extensive technical and market trials successfully performed during 2000 and early 2001 to test/validate the technology and OSS/BSS systems to meet our commitment of providing excellent customer service
- Cbeyond began offering service in March, 2001 to small business customers in Atlanta and will be in four additional markets this year



The Cbeyond Difference

Cbeyond vs Legacy Providers

- Broadband vs Narrowband
- Packet Switched vs Circuit Switched
- Single Network vs Separate Networks
- Access Agnostic vs Access Specific
- Integrated Services vs Bundled Pricing
- Next Generation Economics vs Legacy Economics



What Cbeyond Needs from the FCC

- Continued enforcement of the Telecommunications Act of 1996 and the FCC's procompetitive policies for promoting facilities-based competition
- Critical time for local competition given current market conditions – competitive providers need certainty in rules and regulations
- The requirements of the Act are technology neutral - - FCC rules and regulations should facilitate technological innovation, not thwart it



Overview of Critical FCC Proceedings

- Local Switching Carve Out/UNE-P
- Collocation Remand



Local Switching Carve Out

The Commission should expand the switching carve-out rule to include any MSA that meets the 4 switch test proposed by Allegiance Telecom

- If the collocation standard proposed by Allegiance is adopted, MSAs where incumbent LECs have elected the switching carve out under the existing rules should be grandfathered
- The Commission should not raise the four line threshold given the evidence that facilities based competitors are serving customers with as few as five lines
- The Commission should maintain the voluntary EEL condition and should establish benchmark provisioning intervals consistent with special access provisioning intervals
- ILEC compliance with the FCC's rules on special access conversions to EELs must be enforced to make conversion to EEL viable



Collocation

- Multifunction equipment should be permitted as long as it used for interconnection or access to unbundled network elements
- CLEC to CLEC cross-connection should be permitted through CLEC self provisioning and through ILEC provisioning at TELRIC rates and at FCC established intervals
- The FCC should reaffirm its national default standard of 90 day intervals for caged collocation and 60 day intervals for cageless collocation
- For augmentations to existing physical collocation space, the Commission should require ILECs to comply with requests within 30 calendar days unless substantial construction is required

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Cbeyond Communications

James Geiger - Chief Executive Officer

Julia Strow - Vice President, Regulatory

Brooks Robinson - Vice President, Business Strategy

April 11, 2001

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